

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CLARENCE BOWEN ALLEN, <i>et al.</i> ,	:	
	:	
Plaintiffs	:	
	:	19cv3786
-against-	:	
	:	<u>ORDER</u>
THE CITY OF NEW YORK, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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WILLIAM H. PAULEY III, Senior United States District Judge:

On October 7, 2020, Plaintiffs and Defendants jointly submitted a letter detailing three discovery disputes. (ECF No. 40.) This Court addresses each in turn.

First, the parties spar over Plaintiffs’ notice to depose Defendants’ 30(b)(6) witnesses. Defendants’ aver that Plaintiffs’ notice topics are “vague, ambiguous, over broad with respect to time and scope, seek testimony of contentions that lack any foundation, and [are] unduly burdensome as it seeks testimony that can be obtained from other more convenient sources.” (ECF No. 40, at 3.) In effect, Defendants utilize every objection at their disposal. Having reviewed Plaintiffs’ Notice of Deposition, (ECF No. 40-1), this Court concludes that Plaintiffs’ notice is appropriate and well targeted. Accordingly, Defendants’ are directed to produce 30(b)(6) witnesses in accord with Plaintiffs’ Notice of Deposition.

Second, Plaintiffs seek information regarding the “race, date of birth, corporate title, and department for all Group 12 employees” to use as a comparator against their putative class of Group 11 employees. (ECF No. 40, at 4.) Defendants argue that this information is irrelevant because Group 11 employees are non-union employees who hold managerial positions while Group 12 employees are union, front-line workers. While—based on Defendants’

averments—the two groups of employees may have key differences, the information may be relevant to Plaintiffs’ case. Accordingly, Defendants are directed to produce anonymized race, date of birth, corporate title, and department information for all Group 12 employees.

Finally, Plaintiff Clarence Bowen-Allen, a class representative, has failed to appear for a deposition. Plaintiffs’ counsel aver that they will make efforts to arrange for a deposition on October 27, 2020. This Court directs Bowen-Allen to appear for that deposition. If Bowen-Allen fails to appear, the parties should advise this Court by joint letter by November 4, 2020 and state how they wish to proceed.

Dated: October 20, 2020  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.